

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1-8, 16 and 17. Claims 1, 3-8 and 16 are amended, and claim 17 is cancelled without prejudice. No new matter is presented. Claims 9-15 remain cancelled.

Thus, claims 1-8 and 16 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 1-8, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,548,506 (Srinivasan) and U.S. Patent No. 6,041,364 (Lortz). As mentioned above, claim 17 is cancelled.

Srinivasan discusses an Auto Multi-Project Server (AMPS) which is used as a support for project management. In the AMPS, project information such as project names, leader names, task names and current situations is stored in the server as a database. Then, project members access the server by e-mail or fax so as to check the progress of the project.

The Examiner maintains the comparison of the Srinivasan system for coordinating the management of a project with the claimed method and system of constructing a software system. Srinivasan alleges to eliminate manual project management coordination by automating planning, resource leveling, status reporting and reminding, tracking and updating plans with respect to the project. The project database (10) of Srinivasan includes information about a project such as the start date, project leader's name, mail identity, holidays, weekends, etc. (see, Fig. 3 including corresponding text). That is, Srinivasan only manages project related information for tracking and monitoring the project, and thus, does not teach or suggest maintaining information about development situation including software components as taught by the claimed invention (see discussion of claims below).

The Examiner acknowledges that Srinivasan does not teach installing the default software system in the computer and customizing the default software system, but relies on Lortz as teaching the same. Lortz is directed to adding a device entry to a device tree when the device is detected. Lortz discusses creating a device function node (274) and a software categories node (270) for associating a new device (205) to be added to the device tree (see, col. 6, lines 41-63). That is, Lortz simply creates nodes for functions and software categories of the new device for associating the same with the device tree and does not construct a software

system based on development solutions, know-how and knowledge in the solution bank as taught by the claimed invention (see the discussion of claims below).

In contrast, the claimed invention includes, “selecting a solution pattern that is applicable to a customer” and “downloading contents including at least one or more of the software components of the default software system corresponding to the selected solution pattern” (see claims 1 and 16).

Independent claims 1 and 16 further recite storing “**information about development situations**, know-how, and knowledge in a **solution bank** at the center in units of solution patterns” (emphasis added). As such, “a desired software system” is constructed based on the installed default software system (claims 1 and 16).

Lortz fails to teach or suggest “selecting a solution pattern” and “downloading” specific to the selected solution pattern. Srinivasan does not cure this deficiency since Srinivasan fails to teach installing a default software system.

It is submitted that the independent claims are patentable over Srinivasan and Lortz.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Srinivasan and Lortz. The dependent claims are also independently patentable. For example, claim 4 recites, “accessing the solution bank based on information including the solution pattern, a machine being used, a product being used” and “supplying an application environment of the default system from the solution bank to the computer in which the desired software system is to be constructed.”

Srinivasan and Lortz do not teach or suggest the claimed method including, “accessing the solution bank based on information including the solution pattern, a machine being used, a product being used” and “supplying an application environment of the default system from the solution bank to the computer in which the desired software system is to be constructed”, as recited in claim 4.

#### **NO MOTIVATION TO COMBINE SRINIVASAN AND LORTZ**

Applicants respectfully traverse the obviousness rejection based on Srinivasan and Lortz because there is insufficient evidence for a motivation to modify the Srinivasan system that automates the tasks of project management coordination for organizational work-group team members by incorporating Lortz for the following reasons.

The outstanding Office Action states that it would have been obvious "to install and customize the default software system in the computer to handling installing of additional software to personalize the software system" as disclosed in Lortz. The record, however, fails to provide the required evidence of a motivation for a person of ordinary skill in the art to perform such modification. While Lortz discusses adding nodes for software categories supported by components available for use with the device and adding under the notify node the sequences of instructions to notify when the device is connected to the system, Srinivasan fails to suggest why a person of ordinary skill in the art at the time of the invention would be motivated to incorporate adding a device entry to a device tree and adding nodes for software categories as discussed in Lortz. In particular, Lortz merely creates nodes for functions and software categories of a new device for association with the device tree. Lortz, however, does not suggest having a solution center that stores information about development situations, know-how and software components for a default software system as taught by the claimed invention (see discussion of each of the independent claims above).

Similarly, Lortz fails to suggest why a person of ordinary skill at the time of the invention would be motivated to incorporate the automated tasks of project management coordination as discussed in Srinivasan.

Srinivasan and Lortz, therefore, do not provide the motivation to perform the proposed modification of the Srinivasan system. In other words, an attempt to bring in the isolated teaching of Lortz into the Srinivasan system would amount to improperly picking and choosing features from different references without regard to the teachings of the references as a whole. While the required evidence of motivation to combine need not come from the applied references themselves, the evidence must come from *somewhere* within the record. In this case, the record fails to support the proposed modification of the Srinivasan system.

In light of the above, there is no support, within the record of a motivation for modifying the Srinivasan system by incorporating Lortz and vice versa. Without such motivation and absent improper hindsight reconstruction, a person of ordinary skill in the art would not be motivated to perform the proposed modification, and the claimed invention is believed to be non-obvious and patentable over Srinivasan and Lortz.

Moreover, even if one was motivated to combine Lortz with Srinivasan, for at least the reasons discussed above, the claimed invention is patentably distinguishable over the combination of Srinivasan and Lortz.

In light of the above, withdrawal of the rejection is respectfully requested.

**ENTRY OF AMENDMENT:**

Applicants respectfully request entry of amendments to the claims because the amendments were made to clarify features recited in the claims and do not introduce significant changes that would require a further search.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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